



Committee on Ordinances

April 18, 2007 – 7:00 pm – **Agenda**
City Council Chamber, Room 214, Municipal Building

View Minutes

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1. Written Motion, Councillor Pina asking that the Zoning Designation of Parcels known as Plot 58, Lot 149 (591 County Street); Plot 58, Lot 152 (583 County Street); and Plot 58, Lot 157 (109 Hillman Street), be amended to change the current zoning of said parcels from RESIDENTIAL to MIXED-USE business. (Ref'd 3/8/07)
- 1a. COMMUNICATION, George Smith, Chairman, Planning Board, to Councillor Gonsalves, Chairperson, Committee on Ordinances, informing that the Planning Board was scheduled to hear a Petition to rezone three parcels of land on the east side of County Street, between Hillman and Maxfield Streets, prior to the call of the meeting the applicant called to explain that the house on the property failed to pass a recent home inspection for the bank. As a result he was withdrawing from the deal to purchase and was not interested in furthering the proposed change. The Planning Board voted unanimously to take No Further Action. (Ref'd 4/12/07)

INVITEES: City Planner, David Kennedy; Attorney David Gerwatowski; City Solicitor, Irene B. Schall; Abutters

2. WRITTEN MOTION, Councillor Pimental, requesting that the Ordinance Committee look into creating a new Ordinance stating the Plot and Lot being rezoned have a sign placed in front of the parcel of land to indicate that this property is going before the Zoning Board and/or Planning Board for rezoning. (Ref'd 9/9/04, not heard 11/28/06 remain in committee)

INVITEES: City Planner, David Kennedy; Attorney David Gerwatowski; City Solicitor, Irene B. Schall

3. Written Motion, Councillor Gomes, that the Ordinance Committee request that the Legal Counsel draft an Ordinance that would require all requested zoning changes, business or residential, to post the address along with the Plot and Lot numbers in the advertisement and notices; and further, that the Ordinance also require that a 22" x 28" sign of notification be placed on the property stating the zoning change, and which would include Plot, Lot and Address. (Ref'd 2/10/05, not heard 11/28/06 remain in committee)

INVITEES: City Planner, David Kennedy; Attorney David Gerwatowski; City Solicitor, Irene B. Schall

4. Related Motion, Councillor Morad, that the Ordinance Committee explores the current process of granting livery licenses and renewals here in the City. (Ref'd 2/23/06, tabled 5/18/06, remain in committee 10/11/06, not heard remain in committee 11/28/06)

INVITEES: Police Chief, Ron Teachman; City Clerk, Rita Arruda

5. Written Motion, Councillor Pimental, requesting the Ordinance Committee look into amending existing Ordinances on Parking and Driveway restrictions to increase penalties for violators who continue to park in peoples' driveways, blocking the exit/entrance capability of the homeowners; further that the Ordinance be reworded to give the Police Department the authority to immediately tow these vehicles. (Ref'd 4/27/06, tabled 11/8/06)

INVITEES: Police Chief, Ron Teachman

6. Written Motion, Councillor Pimental, requesting that the Ordinance Committee look into amending restrictions for driveway guidelines, where two, three or more vehicles are parked in driveways, obstructing City sidewalks, and that provisions be made that it be mandatory, *that any vehicle blocking sidewalk access be towed off City propertied throughout the City of New Bedford*. (Ref'd 4/27/06, tabled 11/8/06)

INVITEES: Police Chief, Ron Teachman

7. Related Motion, Councillor Morad, that the City Council refer to its Ordinance Committee, a recommendation to review the current Ordinance related to garbage at the curbside, with an effort to increase the fines and to increase the areas of and the Departments that would enforce that Ordinance. (Ref'd 4/11/06, not heard 11/28/06 remain in committee)

INVITEES: Attorney David Gerwadowski; City Solicitor, Irene B. Schall

8. WRITTEN MOTION, Councillor Gomes, asking that the Ordinance Committee take a look at placing an Ordinance that would cite homeowners and storeowners who do not clean litter and debris from in front of their property or business, due to the fact that we have many people in this City who do not participate in cleaning up litter in front of their homes or in front of their businesses. (Ref'd 9/28/06)

INVITEES: Attorney David Gerwadowski; City Solicitor, Irene B. Schall

9. WRITTEN MOTION, Councillors Lawrence and Coelho, requesting that the City Council Committee on Ordinances look into the possibility of creating an Ordinance that would apply to those individuals caught picking through litter, trash barrels and garbage bags. (Ref'd 1/25/07)

INVITEES: Attorney David Gerwadowski; City Solicitor, Irene B. Schall

10. WRITTEN MOTION, Councillor Gomes, requesting that the Committee on Ordinances and Legal Counsel draft an Ordinance that would give Unit C Personnel and Foremen from the Department of Inspectional Services, Department of Public Facilities, Health Department and the New Bedford City Councillors the authorization to issue Citations throughout the City for those violating trash and litter Ordinances in front of properties or businesses; this request results from a meeting with Neighborhoods United requesting that the City enforce the current laws pertaining to times when trash may be left out in front of homes across the City. (Ref'd 2/8/07)

INVITEES: Neighborhoods United President, Suzanne Braga; Attorney David Gerwadowski; City Solicitor, Irene B. Schall

11. WRITTEN MOTION, Councillors Lawrence and Pimental, on behalf of the Clarks Point Neighborhood Association, that the Committee on Ordinances look into establishing an Ordinance that would dictate street cleaning in the City of New Bedford, and provide for posting signs to inform neighborhoods when street cleanings will take place, so that residents will be able to make alternative parking arrangements. (Ref'd 9/14/06)

INVITEES: DPI Commissioner, Ron Labelle; Clarks Point Neighborhood Association Chairperson, Celeine Saraiva

12. COMMUNICATION, City Solicitor Schall, to City Council, submitting AN ORDINANCE, amending Chapter 2, Administration, by ADDING Article XVII, Sections 2-235 through 2-237; the proposed Ordinances establishes the CHIEF FINANCIAL OFFICER'S appointment, duties and qualifications. (Ref'd 10/26/06, not heard 11/28/06 remain in committee, tabled 3/21/07)
- 12a. AN ORDINANCE, amending Chapter 2, Administration, by ADDING Article XVII, Sections 2-235 through 2-237; the proposed Ordinances establishes the CHIEF FINANCIAL OFFICER'S appointment, duties and qualifications. (Ref'd 10/26/06, not heard 11/28/06 remain in committee, tabled 3/21/07)

INVITEES: Attorney David Gerwatowski; City Solicitor, Irene B. Schall

13. COMMUNICATION, City Solicitor Schall, to City Council, submitting AN ORDINANCE, amending the Unit C Schedule to replace "Treasurer M-13" with "Treasurer M-14." (Ref'd 10/26/06, not heard 11/28/06 remain in committee, tabled 3/21/07)
- 13a. AN ORDINANCE, amending the Unit C Schedule to replace "Treasurer M-13" with "Treasurer M- 14." (Ref'd 10/26/06, not heard 11/28/06 remain in committee tabled 3/21/07)

INVITEES: Attorney David Gerwatowski; City Solicitor, Irene B. Schall Chairperson

suggests "No Further Action" on the following items:

14. WRITTEN MOTION, Councillor Pimental, requesting that the City Council lead by example, and start paying 75% of their Health Care Insurance because we, as the City, have been asking City Unions to pay more, and it would be only fair that we lead by example. (Ref'd 3/25/04)
15. Written Motion, Councillors Fortes, Alves & Gomes, requesting that the Committee on Internal Affairs explore the possibility of establishing a Port Authority through Home Rule Petition; and further, that prior to taking action for such, representatives from the Harbor Development Commission, Dr. Rothschild of UMDSMAST, individual(s) from other Port Authorities as well as any other interested parties from the general public be invited to meet in a "round-table discussion" with the Committee to give their input and offer their expertise as to whether this local and/or regional Port Authority should/should not be established. (Ref'd 8/19/04, tabled 10/11/06, tabled 11/8/06 waiting for input)
16. Written Motion, Councillors Lawrence, DeMedeiros, Morad and Gonsalves, requesting that the Committee on Ordinances explore the possibility of establishing a Port Authority through Home Rule Petition. (Ref'd 8/19/04, tabled 10/11/06, tabled 11/8/06)
17. PETITION, Councillors Pimental & Morad, requesting that the Ordinance Committee explore options to address roadside memorials being maintained on public property, in an effort to provide proper sensitivity to those grieving, while at the same time, accommodate the public interest in keeping large numbers of locations from becoming permanent memorial displays; and further address the option of establishing uniform guidelines to be followed when utilizing public property to the memory of certain individuals; the petitioners also request that the Ordinance Committee invite: the City's Veterans Agent, Director of Cemeteries, Commissioner of Public Infrastructure, Police Chief, clergy and funeral directors, as the Chair chooses, and a group of citizens who have experienced the loss of a family member in a tragic accident, to said meeting which this issue is discussed. (Ref'd 1/13/05, tabled 11/8/06)
18. Written Motion, Councillor Gonsalves, requesting that the Ordinance Committee consider drafting an Ordinance to create Community Planning Boards, which would review site plans prior to the Planning Board. (Ref'd 10/27/05, remain in committee 10/11/06)
19. COMMUNICATION/EMAIL, To Councillor Gonsalves, from David Gould, requesting that the

Ordinance 23-11 Same-Fine for riding bicycle on sidewalk be modified to exempt small bikes (under 18-24") bikes with training wheels, big wheels, etc. (Ref'd 5/11/06, remain in committee-7/19/06)

20. COMMUNICATION, Councillors Gonsalves, Saunders, Morad, Pimental, Pina, DeMedeiros, Lawrence and Alves, to Mayor Lang, re: emergency appointment of Ronald A. Durgin as Commissioner of Inspectional Services and Residency Waivers for Commissioner Durgin and Health Director Gecewicz. (Ref'd 2/8/07, tabled 2/27/07, met with the Mayor 3/19/07)
21. WRITTEN MOTION, Councillor Alves, asking that, prior to the adoption of M.G.L. Chapter 32B, Section 18 (currently under consideration by the Ordinance Committee,) the City Council Committee on Ordinances review and evaluate the adoption of a "Modified" Section 19 of M.G.L. Chapter 32B, in that this Section would allow our retirees, who deserve a voice, to vote when decisions are made about changes in coverage, and would encourage and allow the City to bargain with "all the Unions at the same time," in that the current method has proven to be cumbersome and occasionally an insurmountable task when it comes to changes in Health Care Coverage for our City. (Ref'd 2/8/07)
- 21a. COMMUNICATIONS/PACKET, Councillor Alves, submitting packet of information, including response letters to Committee on Ordinances, from Police Union and Firefighters' Union, copies of M.G.L. 32B, Sections 18 and 19 and Late File Communication from Mayor Kalisz, with AN ORDER, by which the City of New Bedford will accept the provisions of M.G.L. Chapter 32B, Section 18, "to provide that all retirees, their spouses and dependents who are enrolled in Medicare Part A at no cost to the retiree, spouse or dependent, or eligible for coverage at no cost, shall be required to enroll in Part B and transfer to a Medical extension plan offered by the City, Medex 3.", IN CITY COUNCIL May 22, 2003, and Referred to the Committee on Appointments and Briefings. (Ref'd 2/8/07)